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6 **UNITED STATES DISTRICT COURT**
7 **DISTRICT OF NEVADA**

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9 DAVID L. COLLINS,

10 Plaintiff,

11 vs.

12 PEOPLE OF THE STATE OF NEVADA,
13 et al.,

14 Defendants.

Case No. 2:11-CV-01247-KJD-(LRL)

ORDER

15 Plaintiff has filed a document titled “Rule 60 Demur” (#4), which the court construes as a
16 motion for relief from the judgment pursuant to Rule 60 of the Federal Rules of Civil Procedure.

17 The filing fee of \$350 is a matter of law. 28 U.S.C. § 1914(a). Because plaintiff is a
18 prisoner, he must pay that fee, either in full at the commencement of this action or through monthly
19 installments if the court grants him leave to proceed in forma pauperis. 28 U.S.C. § 1915(b). The
20 court dismissed this action because plaintiff, a prisoner, neither paid the filing fee nor submitted an
21 application to proceed in forma pauperis accompanied by a statement of his inmate account and a
22 financial certificate signed by the appropriate prison official. Nothing in plaintiff’s motion (#4)
23 would cause the court to reinstate the action. The dismissal was without prejudice, so plaintiff may
24 commence a new action if he pays the fee or if he files the correct documents.

25 Plaintiff also has filed a request for judicial notice (#9), which the court denies because it has
26 dismissed the action.

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1 IT IS THEREFORE ORDERED that plaintiff's "Rule 60 Demur" (#8), which the court
2 construes as a motion for relief from the judgment pursuant to Rule 60 of the Federal Rules of Civil
3 Procedure, is **DENIED**.

4 IT IS FURTHER ORDERED that plaintiff's request for judicial notice (#9) is **DENIED**.

5 DATED: August 30, 2011



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7 KENT J. DAWSON
8 United States District Judge
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